



**RESOLUTION OF THE GOVERNING BODY OF THE  
THREE AFFILIATED TRIBES OF THE  
FORT BERTHOLD INDIAN RESERVATION**

*A Resolution entitled, “Three Affiliated Tribes Scoria Usage Resolution”*

**WHEREAS,** This Nation having accepted the Indian Reorganization act of June 18, 1934, and the authority under said Act and having adopted a Constitution and By-Laws pursuant to said Act; and

**WHEREAS,** The Constitution of the Three Affiliated Tribes of the Mandan Hidatsa and Arikara (the “MHA Nation”) generally authorizes and empowers the Tribal Business council to engage in activities on behalf of and in the interest of the welfare and benefit of the MHA Nation and of the enrolled members thereof; and

**WHEREAS,** Article III of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; and

**WHEREAS,** Article VI(i) of the Constitution of the Three Affiliated Tribes provides the Tribal Business Council has the authority to “make assignments and leases of Tribal Lands, and otherwise to manage Tribal Lands, interest in Tribal Lands, and property upon such lands, in conformity with Article IX of this constitution”; and

**WHEREAS,** The Three Affiliated Tribes has the authority and jurisdiction to regulate activities upon Tribal Lands including Mining operations; and

**WHEREAS,** TERO Regulations state Part 1 General Provisions 1.1 Purpose: The following regulations are issued pursuant to the authority granted to the Mandan Hidatsa and Arikara Employment Rights Office (hereinafter "TERO") by the Mandan Hidatsa and Arikara Tribal Employment Rights Ordinance, which requires preference in contracting and subcontracting to Indian-owned firms by all contract awarding entities operating within the exterior boundaries of the lands over which the Mandan Hidatsa and Arikara Nation has jurisdiction; and

**WHEREAS,** The Three Affiliated Tribes in partnership with War Pony Land & Energy, LLC, an Indian and Three Affiliated Tribes Member owned company, have resources in the form of Scoria available for energy development (well pads, access roads, existing roadway maintenance) on the Fort Berthold Reservation; and



**WHEREAS,** TERO Ordinance 3.1 Entity Obligations (a) Generally states “Every entity engaged in any business activity within the reservation, including, but not limited to, construction, **minerals development**, supplies, service, and retail, shall give preference to firms certified by the Tribe under Part 4 of these Regulations in any contract or subcontract to be awarded by it so long as 50% or more of said contract or subcontract is to be performed on the Reservation and so long as there are certified firms that are technically qualified and willing to perform the work at a reasonable price, as defined by TERO Ordinance section 3.5.”

**NOW THEREFORE, BE IT RESOLVED,** That any Company not using available Indian owned Scoria shall be found in violation of TERO Ordinance 3.1 Entity Obligations. Non-Compliance shall result in a civil fine of \$1000.00 per load/violation.





**CERTIFICATION**

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 5 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 18<sup>th</sup> day of December, 2012, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [] Voting. [  ] Not Voting.

Dated this 18<sup>th</sup> day of December, 2012.

**ATTEST:**

Tribal Secretary V. Judy Brugh  
Tribal Business Council  
Three Affiliated Tribes

Tribal Chairman, Tex Hall  
Tribal Business Council  
Three Affiliated Tribes